

House Engrossed Senate Bill

FILED

KEN BENNETT

SECRETARY OF STATE

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 280

SENATE BILL 1306

AN ACT

AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 11; RELATING
TO HUMAN EGGS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 36, Arizona Revised Statutes, is amended by adding chapter 11, to read:

CHAPTER 11

HUMAN EGGS

ARTICLE 1. GENERAL PROVISIONS

36-1301. Definitions

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "CLINICAL INVESTIGATION" MEANS ACTIVITY CONDUCTED FOR THE PURPOSE OF DEVELOPING, REFINING OR TRAINING IN THE PROCESS OF IN VITRO FERTILIZATION FOR THE TREATMENT OF HUMAN INFERTILITY, INCLUDING EXPERIMENTS, INVESTIGATIONS, CLINICAL TRIALS, AND THE DEVELOPMENT OF NEW TECHNOLOGY. CLINICAL INVESTIGATION DOES NOT INCLUDE HUMAN SOMATIC CELL NUCLEAR TRANSFER.

2. "EGG" MEANS AN OOCYTE OR EGG CELL OF A HUMAN FEMALE.

3. "EGG DONOR" MEANS A WOMAN WHO PROVIDES OR AGREES TO PROVIDE HER EGGS FOR PURPOSES OTHER THAN HER OWN IMPREGNATION WITH THOSE EGGS.

4. "HUMAN SOMATIC CELL NUCLEAR TRANSFER" HAS THE SAME MEANING PRESCRIBED IN SECTION 35-196.04.

5. "PHYSICIAN" MEANS A PERSON WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR 17.

6. "PURCHASE" INCLUDES PROVIDING ANY CASH, IN-KIND PAYMENT OR OTHER VALUABLE FINANCIAL OR NONFINANCIAL CONSIDERATION.

36-1302. Informed consent for egg donation; requirements; unprofessional conduct

A. FOR THE PURPOSES OF THE DUTY OF CARE OWED BY A PHYSICIAN, AN EGG DONOR IS A PATIENT OF THE PHYSICIAN WHO RETRIEVES THE EGGS FROM THE EGG DONOR.

B. A PHYSICIAN SHALL NOT RETRIEVE EGGS EXCEPT IN A HOSPITAL, CLINIC OR OTHER MEDICAL FACILITY THAT MEETS THE LICENSING STANDARDS FOR THE FACILITY PRESCRIBED BY THIS TITLE.

C. BEFORE PERFORMING ANY MEDICAL PROCEDURE OR PRESCRIBING ANY HORMONES OR OTHER DRUGS FOR AN EGG DONOR, A PHYSICIAN MUST COMPLY WITH ALL REQUIREMENTS PRESCRIBED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION AND PROVIDE THE EGG DONOR WITH THE FOLLOWING INFORMATION:

1. A DESCRIPTION OF ALL HORMONES AND OTHER DRUGS TO BE TAKEN BY THE EGG DONOR, INCLUDING THE DOSAGE, FREQUENCY OF ADMINISTRATION, INTENDED BIOCHEMICAL FUNCTION AND LIKELY PHYSIOLOGICAL RESPONSE TO EACH MEDICATION.

2. A DESCRIPTION OF ALL PROCEDURES TO BE PERFORMED ON THE EGG DONOR, INCLUDING THE PURPOSE, DURATION AND ESTIMATED RECOVERY TIME FOR EACH PROCEDURE.

3. MEDICALLY ACCURATE DISCLOSURES CONCERNING ALL POTENTIAL RISKS OF EGG DONATION THAT A REASONABLE PATIENT WOULD CONSIDER MATERIAL TO THE DECISION OF WHETHER TO UNDERGO THE PROCEDURE, INCLUDING THE MEDICAL RISKS ASSOCIATED WITH THE SURGICAL PROCEDURE AND THE DRUGS, MEDICATIONS AND HORMONES PRESCRIBED FOR OVARIAN STIMULATION DURING THE PROCESS.

4. A DESCRIPTION OF THE EFFECTS THAT THE SURGICAL PROCEDURE AND THE DRUGS, MEDICATIONS AND HORMONES MAY HAVE ON FUTURE ATTEMPTS OF THE EGG DONOR TO BECOME PREGNANT.

5. NOTICE THAT THE EGG DONOR CANNOT BE COMPLETELY INFORMED OF ALL POTENTIAL RISKS OR EFFECTS BECAUSE ALL POTENTIAL RISKS OR EFFECTS AND THE MAGNITUDE OF THOSE RISKS OR EFFECTS MAY NOT BE KNOWN.

D. THE PHYSICIAN OR THE PHYSICIAN'S AGENT OR DESIGNEE MUST PROVIDE THE INFORMATION REQUIRED BY SUBSECTION C OF THIS SECTION BEFORE THE PHYSICIAN OR THE PHYSICIAN'S AGENT OR DESIGNEE PERFORMS ANY SCREENING OR TESTING OF A POTENTIAL EGG DONOR. THE PHYSICIAN MUST OBTAIN WRITTEN AND ORAL INFORMED CONSENT FOR THE PROCEDURE FROM THE EGG DONOR BEFORE PERFORMING ANY MEDICAL PROCEDURE THAT IS NOT PART OF THE SCREENING PROCESS OR PRESCRIBING ANY HORMONES OR OTHER DRUGS FOR THE EGG DONOR.

E. THIS SECTION DOES NOT REQUIRE A PHYSICIAN TO PROVIDE ADDITIONAL INFORMATION OR OBTAIN ADDITIONAL INFORMED CONSENT IF THE PHYSICIAN'S CURRENT PRACTICES RELATING TO INFORMED CONSENT ALREADY MEET THE STANDARDS PRESCRIBED BY SUBSECTIONS C AND D OF THIS SECTION.

F. A PHYSICIAN WHO KNOWINGLY VIOLATES THIS SECTION COMMITS AN ACT OF UNPROFESSIONAL CONDUCT AND IS SUBJECT TO LICENSE SUSPENSION OR REVOCATION PURSUANT TO TITLE 32, CHAPTER 13 OR 17.

36-1303. Purchase of human eggs; prohibition; violation;
classification; unprofessional conduct

A. A PERSON SHALL NOT PURCHASE OR OFFER TO PURCHASE A HUMAN EGG FOR HUMAN SOMATIC CELL NUCLEAR TRANSFER OR FOR ANY PURPOSE OTHER THAN TREATMENT OF HUMAN INFERTILITY OR FOR CLINICAL INVESTIGATION BY A PHYSICIAN OR CLINIC WHOSE PRIMARY PRACTICE IS TREATMENT OF HUMAN INFERTILITY. THIS SECTION DOES NOT PROHIBIT COMPENSATION OF EGG DONORS WHO PROVIDE OR AGREE TO PROVIDE EGGS FOR THE TREATMENT OF HUMAN INFERTILITY OR FOR CLINICAL INVESTIGATION BY A PHYSICIAN OR CLINIC WHOSE PRIMARY PRACTICE IS TREATMENT OF HUMAN INFERTILITY.

B. THIS SECTION DOES NOT PROHIBIT ANY OF THE FOLLOWING:

1. TREATMENT OF HUMAN INFERTILITY THAT INVOLVES DONATED EGGS.

2. CRYOPRESERVATION OF HUMAN EGGS.

3. CLINICAL INVESTIGATION ON UNFERTILIZED HUMAN EGGS.

4. DONATION OF EGGS WITHOUT COMPENSATION FOR ANY PURPOSE.

C. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 1 MISDEMEANOR.

D. A PHYSICIAN WHO KNOWINGLY VIOLATES THIS SECTION COMMITS AN ACT OF UNPROFESSIONAL CONDUCT AND IS SUBJECT TO LICENSE SUSPENSION OR REVOCATION PURSUANT TO TITLE 32, CHAPTER 13 OR 17.

~~APPROVED BY THE GOVERNOR MAY 7, 2010.~~

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 7, 2010.